
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 00APX-07
<input checked="" type="checkbox"/> All Day Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Date issued.</u> December 2000

Subject:**Appendix – Child Care: 2000 Chaptered Legislation and Implementation**

(Appendix Tab A – Child Care Centers and Family Child Care Homes)

Reason For Change:

This transmits summaries of legislation chaptered in 2000 affecting Child Care Centers and Family Child Care Homes. The summaries are divided into two sections as follows:

- I. Immediate Action Required – Interim instructions are provided.
- II. Information only – No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2001, unless otherwise indicated.

Filing Instructions:

- ☐ REMOVE –
- ☒ INSERT – the attached pages into Appendix A. Do not remove similar document from previous years.

Approved:

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December 26, 2000
Date

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SUMMARY AND IMPLEMENTATION PLANS 2000 CHAPTERED LEGISLATION

CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES

BILL NUMBER/AUTHOR	SUBJECT	PAGE
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ACTION REQUIRED

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INFORMATION ONLY – NO ACTION REQUIRED

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<p>Unless otherwise noted, all new legislation becomes effective on January 1, 2001.</p>
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<p>When conducting visits, LPAs should ensure that providers are aware of any new requirements.</p>

ACTION REQUIRED

SB 1004 (ESCUA), CHAPTER 549, STATUTES OF 2000

Affects: Family Child Care Homes

Subject: Family Child Care Home Exclusion Requirements

Summary: This legislation requires parents/authorized representatives to be notified when someone has been excluded from a family child care home. Section 1596.8712 is added to the Health and Safety Code to require the Department to provide each licensed family child care home with an addendum to the notification of parents' rights form. The addendum must clearly identify the names of any individual excluded from the licensed family child care home. This legislation requires the licensee to provide each parent/authorized representative of a child under the licensee's care and supervision with a copy of the addendum. The legislation also requires the Department to revise the addendum if the Department later allows the individual to be in the home. The legislation authorizes the Department to assess the licensee an immediate civil penalty of \$100 per violation for failure to provide the parent/authorized representative with a copy of the addendum. This legislation applies to any family child care home from which an individual is excluded after January 1, 2001.

IMPLEMENTATION:

Until final regulations are issued use the provisions in Section 1596.8712 as the authority for implementation. Several steps must be taken to implement this legislation. These steps include notifying the licensee of an exclusion or reinstatement; notifying the parents/authorized representatives of an exclusion or reinstatement; and the LPA checking to ensure the licensee is in compliance with this requirement.

- 1. Licensee Notification of Exclusion and/or Reinstatement:** The Department must provide the licensee with an addendum to the Notification of Parents' Rights Form that identifies the name of the individual excluded from the family child care home. If the Department permits the individual to return to the family child care home, the Department must provide the licensee with an addendum for reinstatement.

- Caregiver Background Check Bureau Actions**

Within 45 days of the date an individual is excluded or reinstated, the Caregiver Background Check Bureau will provide District Offices and licensees with the appropriate addendum.

**CHILD CARE CENTER
NOTIFICATION OF PARENTS' RIGHTS**

(Attachment 1)

**THIS NOTICE MUST BE POSTED IN AN AREA OF THE FACILITY ACCESSIBLE TO
PARENTS/AUTHORIZED REPRESENTATIVES****PARENTS' RIGHTS**

As a Parent/Authorized Representative, you have the right to:

1. Enter and inspect the child care facility without advance notice whenever children are in care.
2. File a complaint against the facility with the licensing office and review the facility's public file kept by the licensing office.
3. Review, at the facility, reports of licensing visits and substantiated complaints against the facility made during the last three years.
4. Complain to the licensing office and inspect the facility without discrimination or retaliation against yourself or your child.
5. Request in writing that the non-custodial parent not be allowed to visit your child or take the child from the facility, provided you have shown the appropriate documentation from a court.
6. Receive from the licensee the name, address and telephone number of the licensing office.

Licensing Office Name: _____

Licensing Office Address: _____

Licensing Office Telephone #: _____

**NOTE: CALIFORNIA STATE LAW PROVIDES THAT THE LICENSEE MAY DENY ACCESS TO A
PARENT/AUTHORIZED REPRESENTATIVE IF THE BEHAVIOR OF THE PARENT/AUTHORIZED
REPRESENTATIVE POSES A RISK TO CHILDREN IN CARE.**

LIC 995(ENG/SP) (12/00)

(Detach Here)

ACKNOWLEDGMENT OF NOTIFICATION OF PARENTS' RIGHTS
*(Parent/Authorized Representative Signature Required)*I, the parent/authorized representative of _____, have received
a copy of the "CHILD CARE CENTER NOTIFICATION OF PARENTS' RIGHTS" from the licensee or
designated representative._____
Name of Facility_____
Signature (Parent/Authorized Representative)_____
Date**NOTE: This form must be kept in child's file and a copy given to parent/authorized representative.**

**FAMILY CHILD CARE HOME
NOTIFICATION OF PARENTS' RIGHTS**

(Attachment 2)

**THIS NOTICE MUST BE POSTED IN AN AREA OF THE FACILITY ACCESSIBLE
PARENTS/AUTHORIZED REPRESENTATIVES****PARENTS' RIGHTS**

As a Parent/Authorized Representative, you have the right to:

1. Enter and inspect the child care home without advance notice whenever children are in care.
2. File a complaint against the care provider with the licensing office and review the homes public file kept by the licensing office.
3. Review, at the home, reports of licensing visits and substantiated complaints against the home made during the last three years.
4. Complain to the licensing office and inspect the home without discrimination or retaliation against yourself or your child.
5. Be notified by the licensee when someone is not allowed in the Family Child Care Home.
6. Receive from the licensee a copy of the Family Child Care Home Notification of Parents' Rights Addendum, which lists the name of any person not allowed in the home while children are present.
(NOTE: This addendum is only given when the Department has in writing excluded someone from the home).
7. Request in writing that the non-custodial parent not be allowed to visit your child or take the child from the facility, provided you have shown the appropriate documentation from a court.
8. Receive from the licensee the name, address and telephone number of the licensing office.

Licensing Office Name: _____

Licensing Office Address: _____

Licensing Office Telephone #: _____

NOTE: CALIFORNIA STATE LAW PROVIDES THAT THE LICENSEE MAY DENY ACCESS TO A PARENT/AUTHORIZED REPRESENTATIVE IF THE BEHAVIOR OF THE PARENT/AUTHORIZED REPRESENTATIVE POSES A RISK TO CHILDREN IN CARE.

LIC 995A(ENG/SP) (12/00)

(Detach Here)

ACKNOWLEDGMENT OF NOTIFICATION OF PARENTS' RIGHTS
(Parent/Authorized Representative Signature Required)

I, the parent/authorized representative of _____, have received a copy of the "FAMILY CHILD CARE HOME NOTIFICATION OF PARENTS' RIGHTS" from the licensee or designated representative.

Name of Facility_____
Signature (Parent/Authorized Representative)_____
Date**NOTE: This form must be kept in child's file and a copy given to the parent/authorized representative.**

(Attachment 3)

FAMILY CHILD CARE HOME
NOTIFICATION OF PARENTS' RIGHTS ADDENDUM TO EXCLUDE

California State law requires the licensee to notify you that the person whose name appears below has been excluded from this Family Child Care Home.

Name: _____

Effective Date: _____

This person is **not permitted to be in the home at any time** when children are in care. This excluded person may be an ex-employee, friend or relative of the licensee. This person has a right to appeal the exclusion. If he/she is later permitted back into the Family Child Care Home you will be notified.

The local licensing office listed below maintains a public file on this facility. Parents or authorized representatives may review the public file for documentation related to this exclusion.

Licensing Office Name: _____

Licensing Office Address: _____

City: _____

Name And Address of This Facility

Facility Name: _____

Facility Address: _____

City/State/Zip: _____

A DEFINITION OF TERMS IS ON PAGE TWO OF THIS FORM.

**ACKNOWLEDGMENT OF
NOTIFICATION OF PARENTS' RIGHTS
ADDENDUM TO EXCLUDE**

This will acknowledge that I, the parent authorized representative of _____ have received a copy of the "NOTIFICATION OF PARENTS' RIGHTS ADDENDUM TO EXCLUDE" from the licensee or designated representative. *(Parent/authorized representative signature is required).*

Signature of Parent/Authorized Representative

Date

NOTE: A copy of this form with the original signature of the parent/authorized representative must be kept in the child's file. A copy of this form must be given to the parent/authorized representative.

DEFINITION OF TERMS

EXCLUSION:

By law, licensees and adults who live or work in a Family Child Care Home must have a criminal background check. They must submit fingerprints and have their name checked against the California Child Abuse Central Index. If the Department excludes an individual, the licensee may request a review from the Department if they want the person to continue to be present in the Family Child Care Home.

Individuals may be excluded from the Family Child Care Home if the Department of Social Services finds that a person has:

- a) Been convicted of a serious felony.
 - The licensee will be instructed not to permit the person to be present in the home any time child care children are present. Licensee's may request an exemption. If an exemption is granted the person will be permitted back into the home.
- b) Been convicted of certain serious crimes that are by law non-exemptible.
 - These convictions are considered so serious that the person must not be present in the Family Child Care Home when child care children are present and they are not permitted to obtain an exemption.
- c) Been convicted of a misdemeanor, and
 - The person poses a risk to child care children because of the seriousness, recency, and/or pattern of the crime. Licensee's may request an exemption. If an exemption is granted the person will be permitted back into the home.
- d) Been found, after a licensing investigation, to have committed an improper act, and
 - The improper act causes the licensing department to believe the person may pose a risk to child care children. The excluded person may appeal, and has a right to a hearing.

The decision to exclude a person is based on confidential information reported on the criminal record transcript received from the Department of Justice or based on a thorough investigation by the Department of Social Services.

EXEMPTION:

An individual who has been convicted of a crime (other than a minor traffic violation) is disqualified from holding a license or being present in a licensed Family Child Care Home unless the individual is granted a criminal record exemption by the Department.

The law permits any person convicted of a crime that the law does not classify as non-exemptible to apply for an exemption.

An exemption may be granted if the individual presents substantial and convincing evidence to support a reasonable belief that the person is of good character and is not a threat to the well being of child care children.

REINSTATEMENT:

A person has a right to appeal the exclusion. For a denied exemption exclusion, the person may be allowed in the facility if the person shows substantial and convincing evidence that the person is of good character and not a threat to the well being of child care children. For an improper act exclusion, an Administrative Law Judge will determine if the licensing agency has proven the improper act and the threat to children.

FAMILY CHILD CARE HOME (Attachment 4)
NOTIFICATION OF PARENTS' RIGHTS ADDENDUM TO REINSTATE

The law requires the licensee to notify you that the person whose name appears below is now allowed to be present to the Family Child Care Home.

Name: _____

Effective Date: _____

After either a careful and thorough review by the Department, or an Administrative Law Judge, this person may now be in the Family Child Care Home when children are in care.

Licensing Office Name: _____

Licensing Office Address: _____

City: _____

Name And Address of This Facility:

Facility Name: _____

Facility Address: _____

City/State/Zip: _____

A DEFINITION OF TERMS IS ON PAGE TWO OF THIS FORM.

**ACKNOWLEDGMENT OF
NOTIFICATION OF PARENTS' RIGHTS
ADDENDUM TO REINSTATE**

This will acknowledge that I, the parent authorized representative of _____ have received a copy of the "NOTIFICATION OF PARENTS' RIGHTS ADDENDUM TO REINSTATE" from the licensee or designated representative. *(Parent/authorized representative signature is required).*

Signature of Parent/Authorized Representative

Date

NOTE: A copy of this form with the original signature of the parent/authorized representative must be kept in the child's file. A copy of this form must be given to the parent/authorized representative.

DEFINITION OF TERMS

EXCLUSION:

By law, licensees and adults who live or work in a Family Child Care Home must have a criminal background check. They must submit fingerprints and have their name checked against the California Child Abuse Central Index. If the Department excludes an individual, the licensee may request a review from the Department if they want the person to continue to be present in the Family Child Care Home.

Individuals may be excluded from the Family Child Care Home if the Department of Social Services finds that a person has:

- a) Been convicted of a serious felony.
 - The licensee will be instructed not to permit the person to be present in the home any time child care children are present. Licensee's may request an exemption. If an exemption is granted the person will be permitted back into the home.
- b) Been convicted of certain serious crimes that are by law non-exemptible.
 - These convictions are considered so serious that the person must not be present in the Family Child Care Home when child care children are present and they are not permitted to obtain an exemption.
- c) Been convicted of a misdemeanor, and
 - The person poses a risk to child care children because of the seriousness, recency, and/or pattern of the crime. Licensee's may request an exemption. If an exemption is granted the person will be permitted back into the home.
- d) Been found, after a licensing investigation, to have committed an improper act, and
 - The improper act causes the licensing department to believe the person may pose a risk to child care children. The excluded person may appeal, and has a right to a hearing.

The decision to exclude a person is based on confidential information reported on the criminal record transcript received from the Department of Justice or based on a thorough investigation by the Department of Social Services.

EXEMPTION:

An individual who has been convicted of a crime (other than a minor traffic violation) is disqualified from holding a license or being present in a licensed Family Child Care Home unless the individual is granted a criminal record exemption by the Department.

The law permits any person convicted of a crime that the law does not classify as non-exemptible to apply for an exemption.

An exemption may be granted if the individual presents substantial and convincing evidence to support a reasonable belief that the person is of good character and is not a threat to the well being of child care children.

REINSTATEMENT:

A person has a right to appeal the exclusion. For a denied exemption exclusion, the person may be allowed in the facility if the person shows substantial and convincing evidence that the person is of good character and not a threat to the well being of child care children. For an improper act exclusion, an Administrative Law Judge will determine if the licensing agency has proven the improper act and the threat to children.

- **District Office Actions**

If the exclusion order or reinstatement is issued by the District Office, within 45 days of the date of the exclusion or reinstatement, the District Office will provide the licensee with the appropriate addendum.

- **County Licensing Office Actions**

Within 45 days of the date the County has excluded or reinstated an individual, the County Licensing Office will provide the licensee with the appropriate Addendum.

NOTE: *A copy of the "Addendum To Exclude" and the "Addendum To Reinstate" must be filed in the public section of the facility file located in the licensing office.*

2. **Licensee's Responsibilities:** If a licensee receives notice of an excluded or reinstated individual, they must immediately notify the parents/authorized representatives of the actions stated on the addendum. Immediate notification to all parents/authorized representatives requires informing each parent/authorized representative no later than the next day that their child is present at the facility.

The parent/authorized representative of each new child who is enrolled in the future must also receive immediate notification of any individual excluded from the home. Notification is not required to be given a parent/authorized representative of a new child who is enrolled after the licensee receives notification that an individual is now allowed to be present.

- The licensee must obtain each parent/authorize representative's signature to show receipt of the addendum.
- The licensee must maintain in each child's file at the facility copies of the addenda with the original parent/authorized representative's signature.

3. **LPA's Role and Responsibilities:** The addendum to exclude will give the name of anyone not allowed in the home. The addendum to reinstate will give the name of the person who had previously been excluded from the home, but is now allowed to be present. Licensing staff must review the addendum prior to the facility's annual or tri-annual visit.

When conducting the annual or tri-annual visit:

- Take a copy of the appropriate addendum to the home.
- Review the licensee's copy of the addendum to verify the name of the excluded or reinstated individual.

- Review the facility roster for names of children currently enrolled and those that were enrolled at the time the licensee was notified of the exclusion or reinstatement.
- Verify that a copy of the appropriate addendum with the **original** signature of the parent/authorized representative is being maintained in each child's file.
- Document the following on the LIC 809:
 - The licensee's copy of the addendum was reviewed.
 - The facility roster was reviewed.
 - Children's files were reviewed for the copy of the appropriate addendum with the **original** signature of the parent/authorized representative.

4. **Civil Penalties:** An immediate civil penalty of \$100 per violation must be assessed to a licensee that fails to comply with the requirements of this statute:

- Provide parents/authorized representatives with a copy of the addendum.
- Obtain parents/authorized representative's signature.
- Provide the Department with a copy of the signed addendum upon request.

The LPA will issue a citation against the licensee for an immediate civil penalty of \$100 for each parent/authorized representative who did not receive notification by the licensee that an individual had been excluded from the home. If more than one child enrolled is from the same family, only one copy of the addendum and only one signature is required.

For example, if the licensee has six children enrolled and the LPA verifies that the parents/authorized representatives of two of the children were informed of the exclusion and parents/authorized representatives of four children were not, then the licensee must be assessed an immediate civil penalty of \$400.

If the parents/authorized representatives of four children did not receive notification from the licensee and three of the four children had the same parents/authorized representatives, then the licensee would only be assessed a civil penalty of \$200.

5. **New / Revised Forms:** The generic LIC 995 Notification of Parents' Rights Form has been revised and must be used for child care centers only. A new LIC 995A, Notification of Parents' Rights form has been developed for family child care homes that include language required by this statute. Two new forms referred to as addenda have been developed to supplement LIC 995A.

LIC 995

This form is now titled "Child Care Center Notification of Parents' Rights" (see Attachment 1).

LIC 995A

The form LIC 995A is titled "Family Child Care Home Notification of Parents' Rights" (see Attachment 2).

LIC 995 and LIC 995A will be available on the Internet and stocked in the Department's warehouse. The forms will be available in English and Spanish.

LIC 995B and LIC 995C

LIC 995B is titled "Family Child Care Home Notification of Parents' Rights Addendum to Exclude" (see Attachment 3). LIC 995C is titled "Family Child Care Home Notification of Parents' Rights Addendum To Reinstate" (see Attachment 4).

The LIC 995B and LIC 995C will be placed in Section 7-0000 through 7-2200 of the Evaluator Manual, under Background Check Procedures. LIC 995B and LIC 995C will also be available electronically to the District Offices in the Community Care Licensing Division's Common Library.

The Common Library is accessible through the following website address: <http://sac8.dss.ca.gov/ccldcommon/default.htm> From the Common Library screen, under "LIC forms" select "Internal". This selection will bring up the CDSS Online Forms Menu. From the CDSS Online Forms Menu, select the appropriate form. When you have the form on the screen, enlarge it, type in the required information and print the required number of copies. The document cannot be saved. Once the document is closed the information is no longer available.

In addition, due to the County Licensing Offices not having access to the Community Care Licensing Division Common Library, a disk with the LIC 995B Addendum to Exclude and LIC 995C Addendum To Reinstate will be provided to the counties.

An All-Licensee Letter will be sent to State and County licensed Family Child Care Home providers. The letter will inform current licensees of the new requirement to notify parents/authorized representatives when an individual has been excluded from the family child care home. Licensing staff must inform new applicants of this requirement during the pre-licensing visit. It must also be documented on the 809 that during the pre-licensing visit the requirements were discussed with the applicant.

INFORMATION ONLY – NO ACTION REQUIRED

AB 212 (ARONER), CHAPTER 547, STATUTES OF 2000

Affects: Child Care Centers (Subsidized)

Subject: Retention of Child Care Employees in State-Subsidized
Child Care Programs

Summary: Adds Section 8300 to the Education Code to allocate funds to local child care and development planning councils. The purpose of the funds is to improve the retention of child care providers in state-subsidized child care centers. The Budget Act of 2000 contains \$15 million for implementation of this new law. Funding may be continued in future years.

The California Department of Education (CDE) must develop guidelines for local child care and development planning councils to use in developing county plans to improve the retention of child care workers in state-subsidized centers. CDE will approve each county plan. Funds provided to a county must be spent in accordance with its approved plan. The Superintendent of Public Instruction will report yearly on the distribution and uses of the funds to the Governor, the Legislature, the Secretary of Education and the Department of Finance.

AB 212 used to be the California CARES (Compensation and Retention Encourage Stability) bill. (Under the CARES program, stipends would have been linked to meeting requirements of the Child Development Permit Matrix.) AB 212 was sponsored by the Center for the Child Care Work Force.

AB 2164 (PESCEITI), CHAPTER 239, STATUTES OF 2000

Affects: Child Care Facilities and Community Care Facilities (Children's Residential)

Subject: Definition of TrustLine Provider

Summary: This legislation amends the Health and Safety Code by adding "any person providing in-home counseling or education services to a minor" to the definition of a TrustLine provider. This addition means that in-home counselors and educators may be TrustLine-cleared.

AB 2623 (PACHECO), CHAPTER 623, STATUTES OF 2000

Affects: Child Care Facilities; also affects Community Care Facilities, Residential Care Facilities for the Chronically Ill and Residential Care For The Elderly

Subject: Criminal Record Information

Summary: This legislation adds Section 11105.75 to the Penal Code to require the Department of Justice (DOJ) to provide conviction information to the Department even if the information has not been verified with fingerprints. Before giving the conviction information to the Department, DOJ is required to compare all of an individual's identifying characteristics with those that appear in the criminal history to ensure that they are the same person. The Department will assume that the information it obtains in this way is accurate, and will process it the same way it processes any other criminal history information. If the Department takes an action based upon the non-fingerprint-verified information, the individual may appeal that action on the grounds that he/she is not the correct person.

AB 2778 (JACKSON), CHAPTER 548, STATUTES OF 2000

Affects: Child Care Centers and Family Child Care Homes

Subject: Child Care Financing (Financial Intermediary)

Summary: This legislation adds Sections 8290.1 and 8290.2 to the Education Code to require the Superintendent of Public Instruction to contract with a nonprofit organization to serve as a financial intermediary. The financial intermediary will identify public and private funding sources for the financing of child care facilities. One goal is to increase funding available for child care facilities for CalWORKS and low-income families. The financial intermediary will also establish a clearinghouse for information about securing loans to renovate, expand, and construct child care centers and family child care homes.

The financial intermediary must establish and publicize an 800 technical assistance telephone number. Callers will be referred to places in their communities to obtain information about loans for child care financing. The financial intermediary will also provide financial development training for local agencies such as regional resource centers, child care resource-and-referral agencies, and local child care planning councils that are assisting existing and potential providers to renovate, expand, build or purchase facilities.

Additional information should be requested from the Department of Education, Child Development Division.

AB 2876 (CHESBRO), CHAPTER 819, STATUTES OF 2000

Affects: Child Care Volunteers

Subject: Fingerprint and CACI Processing Fees

Summary: For child care volunteers only, this legislation provides that between July 1, 2000 and July 1, 2001, the Department of Justice or the Department cannot charge a fee to process or conduct a California or a FBI criminal background check or a Child Abuse Central Index check. This does not relieve the volunteer from paying a fingerprint rolling fee or a Live Scan processing fee. This fee exemption will continue after July 1, 2001, only if the next year's budget gives the Department of Justice enough money to continue to absorb the cost.

AB 2907 (EDUCATION COMMITTEE), CHAPTER 1058, STATUTES OF 2000

Affects: Child Care Centers (Subsidized)

Subject: Child Care Financing (Child Care Facilities Revolving Fund)

Summary: This legislation amends Section 8278.3 of the Education Code to allow money in the existing Child Care Facilities Revolving Fund to be used for renovating, repairing or improving an existing building to make it suitable for licensure as a subsidized child care center. Up to this time, money in the Child Care Facilities Revolving Fund has only been used to provide funding for no-interest, 10-year loans to purchase new portables for use by school districts and contracting agencies that provide subsidized child care services.

Additional information should be requested from the California Department of Education, Child Development Division.

SB 567 (SPEIER), CHAPTER 657, STATUTES OF 2000

Affects: Child Care Centers

Subject: Child Car Seats Requirements

Summary: This new law is not effective until January 1, 2002. This legislation adds Section 27360 to the Vehicle Code to require children to be transported in a child passenger restraint system (child car seat) meeting federal safety standards unless the child is at least one of the following: 1) six years of age or older; OR 2) weighs 60 pounds or more.

Current law requires children under the age of four years (regardless of weight), or weighing less than 40 pounds (regardless of age), to be transported in an approved child car seat.

Both current law and SB 567 apply to all motor vehicles those designed for more than 10 occupants, emergency vehicles, and motorcycles.

Child care centers are required to post signs informing parents about the current child car seat law. The licensing publication PUB 269 (Child Car Seat Law Poster) will be updated in the next year to reflect the requirements of SB 567. Effective January 1, 2002, centers should replace their existing poster with an updated poster.

SB 1619 (ALPERT), CHAPTER 550, STATUTES OF 2000

Affects: Child Care Centers

Subject: Playground Safety Standards for Child Care Centers

Summary: This legislation adds Section 115736 to the Health and Safety Code to require the Department to convene a work group to develop recommendations for minimum safety standards for playgrounds at child care centers. The work group will include child care center operators, certified playground inspectors, and representatives of the Professional Association for Childhood Education, the Children's Advocacy Institute, the California Child Care Health Program, and the State Department of Health Services (DHS).

The work group will use the United States Consumer Product Safety Commission guidelines and the DHS playground safety regulations as reference tools in developing its recommendations.

The work group must submit its playground safety recommendations to the Department by September 1, 2001—and to the Legislature by November 1, 2001.

SB 1992 (CHESBRO), CHAPTER 819, STATUTES OF 2000

Affects: Child Care Facilities; also affects Community Care Facilities, Residential Care Facilities for the Chronically Ill and Residential Care Facilities for the Elderly

Subject: Fingerprint Clearances and Exemptions

Summary:

- This legislation adds the following convictions to the list of crimes for which the Department cannot grant an exemption:
 - ✓ Torture
 - ✓ Car jacking
 - ✓ Willful poisoning knowing it will be taken by a human being
 - ✓ Unlawfully using a loaded firearm on the grounds of a child care facility
 - ✓ Arson causing great bodily injury
 - ✓ Arson of an inhabited structure
 - ✓ Sexual exploitation by a physician, psychotherapist, counselor, etc.
- Provides the Department flexibility in all licensing categories to determine, by regulation, who may be exempt from background check requirements. Allows the Department flexibility to cease or continue processing a license application when an applicant is awaiting trial. This means that if there are adequate grounds to deny a license without the results of the trial, the Department may deny the license without waiting for the completion of the trial. Previously, if an individual was awaiting trial, the law required the Department to cease all aspects of processing an application, including a denial, until the trial was completed. Clarifies language regarding exemptions for medical professionals.

SB 2188 (SOTO), CHAPTER 582, STATUTES 2000

Affects: Local Schools and Communities

Subject: After School Programs

Summary: Current law establishes the After-School Learning and Safe Neighborhoods Partnership Programs to create incentives for establishing after-school programs that partner local schools and communities to provide academic and literacy support and safe constructive alternatives for youth. This legislation amends Section 8483.3 of the Education Code, which establishes the criteria for the California Department of Education to select applicants to participate in the After-School Learning Program.